

the state

Deliberation to start today

Davis jury hears final pleas

United Press International
FORT WORTH — The jury in the murder solicitation trial of T. Cullen Davis heard two final pleas Tuesday, one to find him guilty and the other demanding his acquittal, and then began deliberations on whether the millionaire tried to hire someone to kill his divorcee.

The eight-man, three-woman jury adjourned to elect a foreman and told District Judge Gordon Gray it

would reconvene at 10 a.m. today to begin working toward a verdict in the 15-week trial.

It is the second time Davis has been tried on the charges, the first attempt ending in a hung jury in Houston.

Final arguments ended with Assistant District Attorney Jack Strickland claiming Davis thought he could do anything because of his wealth, and defense attorney Richard "Racehorse" Haynes begging the jury not to find Davis guilty just because he was rich.

Strickland told jurors there was no doubt that Davis and star state witness David McCrory plotted to have District Judge Joe Eidson killed. He said videotapes and secret tape recordings of meetings between Davis and McCrory proved a plot existed. "There were witnesses," Strickland said. "You were all there, by virtue of the tapes. By virtue of the video tapes, you don't have to guess whether Cullen Davis or David McCrory were talking about killing the judge on August 18th, 1978. You heard that man's death plotted. You don't have to guess whether it happened or not."

Cullen Davis thinks his wealth entitled him to do anything he wanted to do. As surely as I'm standing here you've got to put a stop to this right now. If you don't tell Cullen Davis you can't act like this in this community, he'll act like this again.

The courthouse, the district attorney, the jury system are not for sale.

Haynes, at times dropping his voice to a whisper and then erupting into shouts and podium-pounding, portrayed his client as the target of scheming enemies who were after his money and framed him for the murder-for-hire arrest.

Operation's safety praised

United Press International
HOUSTON — A heart specialist said Tuesday that controversy about the wisdom of surgery to bypass blocked heart muscle arteries had been exaggerated and that, in many cases, the procedure was beneficial and increasingly safe.

Since introduced in 1962, coronary bypass surgery has been one approach to coronary atherosclerosis, a disease in which fatty deposits clog the blood vessels that fuel the heart muscle. Without blood, the muscle fails.

Another approach to the problem has been a nonsurgical cardiologist's approach, relying entirely on drugs. Often, the two approaches are used together.

Bypass surgery, performed

80,000 times last year at costs ranging from \$8,000 to \$15,000, involves borrowing a piece of blood vessel from the leg and sewing it around blocked segments of heart artery so blood can flow freely again.

"I've never thought there was as much controversy as everybody said," said Dr. J. Willis Hurst, a cardiologist from Emory University School of Medicine.

"When you select patients carefully, not only will it (bypass surgery) relieve symptoms (crippling chest pain), but in certain categories of patients it will prolong their lives."

A Veterans Administration study a few years ago suggested that, although the operation relieved the chest pain known as

angina pectoris considerably in most patients, some patients' lives were prolonged only slightly.

Hurst said many laymen misunderstood the study to suggest that coronary bypass surgery was questionable in any case. Some observers doubted whether the supposedly limited benefits justified the high cost of the operation.

"Surgical treatment has improved enormously even in the last three or four years," said Hurst, who tried to divert questions about scientific controversy.

He cited statistics showing that the current operating room failure rate of the surgery is down to 1 percent or less in many hospit-

als. "The view ought to be that wonderful that medical and surgical treatment have improved much that the man in the past, a better chance than he had in the past," Hurst said.

He said the average American should know that several governments whether coronary surgery is appropriate for a particular patient and every case distinctive.

"You can't talk in general," Hurst said. "It now is 'How are you? Which vessels are involved? And how well do muscle contract? What is the operating risk (for the patient)?' All these have been considered."

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Proceeding only 2 days old Prosecution rests in murder trial

United Press International
CORPUS CHRISTI — Although only two days into the proceeding, the state rested its case Tuesday in the capital murder trial of Ovilde Joseph Dugas, charged with killing five of his former in-laws last year at Winnie.

Dugas' two court-appointed attorneys huddled during the noon recess to determine whether they would call any defense witnesses.

Jefferson County prosecutor James McGrath called Nederland pathologist Dr. Stanley M. Leber as his final witness and Leber de-

scribed how 3-year-old Jason Phillips was shot twice in the head from a distance of less than 1 foot.

"The destruction was such that range that it was almost explosive," the pathologist said.

Leber said the child, his grandparents, Bishop Phillips, 64, and Esther Phillips, 66, and the boy's mother, Martha, 34, all were shot twice in the head at close range, and that the child's father, Elmer Phil-

lips, 31, of Woodward, Okla., shot once through the brain.

The principal witness, Dugas, being tried specifically for the death of the boy on a venue from Beaumont, Tex., younger brother, Richard, 30, who told the jury that he tried to get him to kill the Phillips.

Richard Dugas testified never took seriously his brother's threats to kill the Phillips.

According to the brother, Dugas and his lover, a housewife Linda McPherson, 31, broke in on the Phillips they were watching to abduct them at gunpoint to a pre-dug common grave miles away and shot them head.

Burnett was convicted of murder earlier this year and was sentenced to death for the killings.

Old El Paso hotel closes temporarily

United Press International
EL PASO — The previous owners of the landmark Hotel Paso del Norte, a 10-story structure listed in the National Register of Historic Places, issued a statement Tuesday saying foreclosure of three loans would not completely close the 67-year-old hotel.

Retired Army Lt. Gen. Richard T. Cassidy, president of the former owners group, said the hotel still

would be operated "on a limited basis."

"Because of loss of revenue and canceled reservations, we cannot, at this time, resume, full operations," Cassidy said. "We will take this opportunity to institute a complete remodeling and restoration program pointing toward a reopening of the new Paso del Norte in the fall of 1980."

Sharks found to be cannibals even before they're born

United Press International
WASHINGTON — Sand tiger sharks are cannibals even before they are born, according to National Geographic magazine.

The shark eggs hatch within the

female shark's uterus, where the young remain until sufficient developed to enter the ocean. The first baby hatched feeds on its weaker brothers and sisters as they emerge from other eggs.

Small fires grow in short time

United Press International
WASHINGTON — A study shows that a fire can spread a major blaze. A phenomenon that can spread a minor fire throughout a room, and analyze National Bureau of Standards, which is researching the energy consumption in only two minutes, a match or cigarette, a waste through the kitchen grease fire can through the room, the agency says. If such a fire cannot be easily by one person before the minutes have elapsed, NBS recommends vacating the house immediately and calling the part-ent from a neighbor's

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